

# POCAHONTAS COUNTY COMMISSION

Martin V. Saffer, Commissioner  
David M. Fleming, Commissioner      Jamie Walker, Commissioner

900 TENTH AVENUE MARLINTON, WEST VIRGINIA 24954  
Telephone: (304) 799-6063      Fax: (304) 799-3977

March 1, 2011  
Regular Session

- 8:30 a.m. Discussion and/or Action – Exoneration Orders.
- 8:35 a.m. Pocahontas County Clerk Melissa Bennett – Discussion and/or Action-Shirley Mae Robertson Estate-Request of R. Remona Robertson for Removal of Sherman M. Robertson Administrator.
- 9:00 a.m. Lawrence Cameron – Discussion and/or Action – Comments in Re: Existing Substance Abuse Policy and Proposed Amendment.  
Discussion and/or Action - Pocahontas County Substance Abuse Policy-Proposed Amendment for Safety Sensitive Employees.
- 9:30 a.m. Pocahontas County Society for Prevention of Cruelty to Animals (Pocahontas County SPCA) – Discussion and/or Action-Proposed Revisions to Structure of Animal Welfare Services Contract for Fiscal Year 2011-2012.
- 10:00 a.m. Discussion and/or Action as to the availability of the County Clerk's record room to local attorneys to perform title searches after hours.
- 10:30 a.m. Pocahontas County Foundation Grant – Discussion and/or action to approve the bid for the 4-H Camp roof.
- 11:00 a.m.
- 11:30 a.m.
- 12:00 p.m. Lunch Break.

## OTHER AGENDA ITEMS

(The Following Agenda Items Will Be Discussed During Meeting But Have Not Been Allotted a Time)

1. Approve Final Settlements and Orders.
2. Approve Minutes, Bills, Improper Charges.
3. Commission Mail Items/Concerns Requiring a Response.
4. Jay Miller – Discussion and/or Action-Request Funds to Complete Design of Furniture for One Room University Project.
5. Discussion and/or Action – Assignment of 2011 Budget Work Sessions.
6. Discussion and/or Action – Pocahontas County Courthouse Repairs to Front Steps.

**March 1, 2011  
Regular Session**

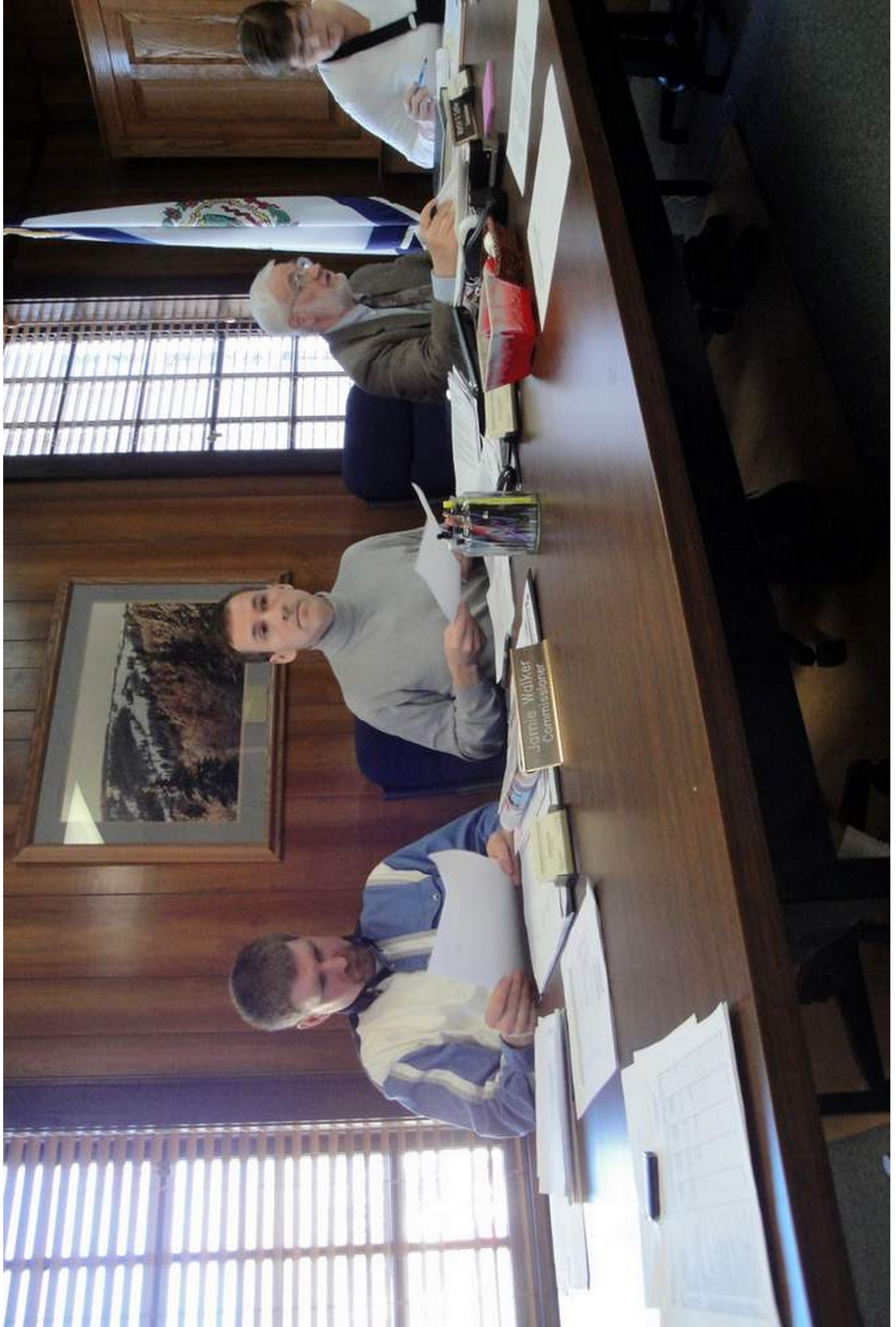
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Jamie Walker  
Commissioner



**GREEN BANK INDUSTRIAL SITE BUSINESS PROPOSAL**

**IN RE:**

Mr. Jacob Meck met with the Commission to discuss the possible acquisition of a parcel of real estate located in the Green Bank Industrial Site for the purpose of locating a business. Mr. Meck presented a proposal, and asked that the Commission work toward either a lease or sale of a portion of land within the site. Commissioner Griffith stated that she would look into the matter further as to what areas of the property can be used for development, and what procedures are necessary to lease or convey the same. The Commission directed that the matter be placed the agenda for its next regular session for further discussion and/or action.



Rt 1 Box 308  
Green Bank, WV 24944  
Phone 304 456 1466  
Fax 304 456 5357  
Email [jacob@jacobmeck.com](mailto:jacob@jacobmeck.com)

the  
Outhouse



June 16, 2007

Dear Sirs,

We currently own and operate three businesses in Pocahontas County and would like to locate them on the property for development in Green Bank across from the GMC dealership.

We own and operate Jacob S. Meck Construction LLC providing residential construction services since 1998 in Pocahontas County.

We own and operate The Outhouse LLC providing portable toilet rentals since April of 2006 in Pocahontas, Pendleton, Highland and Bath counties.

We own and operate Allegheny Disposal LLC, formerly County Disposal LLC, providing residential, commercial and construction trash service since August of 2006 in Pocahontas County with plans to provide construction trash service in Highland and Bath counties by August of 2007.

We currently employ 7 full time employees in addition to ourselves in the three businesses combined and with future planned growth will need to possibly double the number of employees in the future.

We are currently running the Construction business out of our Green Bank personal residence location with our trash and portable business run from leased office and shop space on 219 north Marlinton. We would like to combine these businesses to one location in the Green Bank area. We will need 3-5 acres of property and a 32' x 70' shop and office space.

We would appreciate the opportunity to look at the designated property for development in the Green Bank location for the new business site.

Thank you for considering this.

Sincerely,

*John S. Meck - owner*

**IN RE: 100,000 GALLON STORAGE TANK PUBLIC SALE**

After placement of a Class II Legal advertisement in the Pocahontas Times, and prior to the public sale of the 100,000 gallon storage tank currently located in the East Fork Industrial Park as advertised, a motion was made by Commissioner Fleming to reject any and all bids received for same; however, this motion was then withdrawn, and the Commission proceeded to hold the scheduled public auction at the front door of the Pocahontas County Courthouse with a minimum bid requirement of \$500.00. Mr. Jacob Meck offered a bid of \$500.00, and upon a motion made by Commissioner Fleming, seconded by Commissioner Walker, the Commission voted 2-0 to accept his bid as presented.



## **NOTICE OF PUBLIC SALE**

The Pocahontas County Commission will offer for public auction to the highest bidder, at the front door of the Pocahontas County Courthouse 900 Tenth Avenue, Marlinton, West Virginia, on Tuesday, January 18, 2011, at 10:00 a.m. the following described property:

### **ONE 100,000 GALLON STORAGE TANK, TO BE SOLD AS IS AND CONTAINING NO WARRANTIES**

A minimum bid of \$500.00 will be required, and purchaser must agree to remove the tank from county premises within Six (6) months of purchase and assume all costs and liability for removal. The tank may be viewed at the East Fork Industrial Park at Frank, West Virginia. For further information please inquire at the Pocahontas County Commission Office, Phone No. 304-799-6063, Monday through Friday, between the hours of 8:30 a.m. and 4:30 p.m.

The County Commission reserves the right to reject any or all bids received.

Martin V. Saffer, President  
Pocahontas County Commission

**IN RE: GREEN BANK SITE TRANSFER TO P.D.A.:**

On motion of Commission President Moyers, seconded by Commissioner Callison, the Commission voted 2-1 (with Commissioner Mynuk casting the negative vote) to approve the deed between the Pocahontas County Commission and the Pocahontas Development Authority and authorize Commission President Moyers to sign on behalf of the Commission. Commissioner Mynuk stated that he did not approve this transfer and wanted to see a plan from the Pocahontas Development Authority.

County	Page	Instrument	Volume	Page	Instrument
Dean, Callison Associates, Inc.	219	184	I: 88.69 A.; II: 92.18 A.; Little Levels District		
WV Shoe Co., Inc.	239	40	4.26 A±; Town of Marlinton		
West Virginia Shoe Co Inc	245	307	Lease Agreement; 4.26 A±; Town of Marlinton		
Inter-State Hardwoods Co Inc	248	11	7,500 sq ft bldg on 1.32 A±; Green Bank District		
Pocahontas County Commission	260	195	Lot A or 32.20 A±; Lot B or 1 A±; Green Bank district		
Interstate Hardwoods Company Inc.	268	36	Lease Agreement		
Greenbrier Footwear LLC	278	411	Lease Agreement		
The Humane Society of Pocahontas County Inc.	300	17	1.01 Ac. Town of Marlinton		
Pocahontas County Commission	310	341	Lot 2 or 1.14 ac. Green Bank Dist.		
Pocahontas County Parks and Recreation	310	346	Lot 1 or 8.75 Ac. Waters of Johns Run: Green Bank Dist.		
Pocahontas County Commission	311	298	Parcel 1: 1.32 AC. Green Bank Dist. Parcel 2: 14.7 Ac. Less Outcoveyance Parcel 3: Lot 10 and p/o lot 9 BIK. 13		

This Deed, made and entered into this the 27th day of Oct 2007, by and between: POCAHONTAS DEVELOPMENT AUTHORITY, party of the first part, hereinafter referred to as the GRANTOR,

AND

POCAHONTAS COUNTY COMMISSION, party of the second part, hereinafter referred to as the GRANTEE;

Witnesseth:

That for and in consideration of the sum of ONE DOLLAR (\$1.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the said GRANTOR does hereby GRANT, SELL and CONVEY unto the GRANTEE, with covenants of special warranty, those certain tracts or parcels of real estate, together with improvements thereon and appurtenances thereunto belonging, and being more particularly described as follows:

**FIRST PARCEL:** That certain tract or parcel of real estate situated in the Green Bank District of Pocahontas County, West Virginia containing 1.32 acres, more or less.

BEGINNING at a set iron pin, the northeast corner of the Leasehold tract, also being a corner of the Leasehold Access Easement No. 1: thence with the perimeter of the Leasehold Tract 1 lines;

1. S 15 degrees 22' 57" W, 233.25 feet to a set iron pin.
2. N 70 degrees 21' 51" W, 76.00 feet to a point,
3. N 36 degrees 50' 48" W, 60.77 feet to a point,
4. N 64 degrees, 54' 26" W, 187.78 feet to a point,
5. N 24 degrees 01' 05" W, 19.65 feet to a point,
6. N 24 degrees 51' 41" E, 71.28 feet to a point,
7. N 59 degrees 02' 11" E, 94.71 feet to a point,
8. S 75 degrees 43' 23" E 244.32 feet to the beginning containing 1.32 acres, as shown on a Plat of record in the Office of the Clerk of the County Commission of Pocahontas County, West Virginia.

MAILED DELIVERED TO  
Pocahontas Co. Deeds Section  
DATE 10-26-07

in Plat Book 10, at page 39.

And being the same tract or parcel of real estate as acquired by the GRANTOR herein as virtue by a Deed of Conveyance from The County Commission of Pocahontas County, West Virginia, said the bearing date the 15<sup>th</sup> day of July, 1997, and is of record in the Office of the Clerk of the County Commission of Pocahontas County, West Virginia in Deed Book 248, at page 24.

For and in the same consideration as hereinabove set forth the said GRANTOR does further GRANT and CONVEY unto the GRANTEE those (2) two existing Access Easements as more fully described in the aforesaid deed, to which said reference is hereby made for a more complete and accurate description of the same.

**SECOND PARCEL:** Those (3) certain tracts or parcels of real estate, all lying and being in and near the Town of Marlinton, in the Edray District of Pocahontas County, West Virginia, containing an aggregate of 14.7 acres, more or less, and being more particularly described in that certain Deed of Conveyance bearing date 30<sup>th</sup> day of November, 1976 and of record in the aforesaid Clerk's Office in Deed Book 140, at page 327.

And being those same tracts or parcels of real estate as acquired by the GRANTOR herein as virtue by a Deed of Conveyance from Pocahontas Development Corporation, said the bearing date the 30<sup>th</sup> day of November, 1976, and of record in the aforesaid Clerk's Office in Deed Book 140, at page 327. And further having re-acquired a portion (4.26 acres) of these tracts or parcels of real estate by virtue of a Deed of Conveyance from West Virginia Shoe Company, Inc., said the bearing date the 5<sup>th</sup> day of March, 1996, and of record in the aforesaid Clerk's Office in Deed Book 245, at page 304.

There being EXCEPTED from these tracts or parcels of real estate the following out-conveyance:

All of that certain tract or parcel of real estate in the Marlinton Corporation of Pocahontas County, West Virginia, situate on the waters of the Greenbrier River and just off Second Avenue and containing 1.01 acres, more or less, as conveyed unto The Humane Society of Pocahontas County, Inc. by virtue of a Deed of Conveyance

bearing date the 25<sup>th</sup> day of January, 2006, and of record in the aforesaid Clerk's Office in Deed Book 300, page 17, to which said deed is hereby made for a more complete and accurate description of the same.

**THIRD PARCEL:** Those certain lots or parcels of real estate situate on Third Avenue in the Town of Marlinton, Pocahontas County, West Virginia, and described upon the proper plat of said Town of Marlinton as Lot 10, in Block 13, and a part of Lot 9, in Block 13, measured fourteen (14) feet in width from the Southwestern corner of Lot 10, in Block 13 on Third Avenue, and running back by parallel lines the full length of Lot 9.

And being those same lots or parcels of real estate conveyed to the GRANTOR herein by virtue of a Deed of Conveyance from the Coca Cola Bottling Company Consolidated, said Deed bearing date the 13<sup>th</sup> day of June, 1995, and is of record in the aforesaid Clerk's Office in Deed Book 234, at page 686.

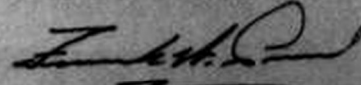
These conveyances are made subject to all exceptions, restrictions, easements, reservations and covenants of record in the aforesaid Clerk's Office.

DECLARATION OF CONSIDERATION

The undersigned GRANTOR does hereby declare this to be a conveyance to a political subdivision of the State of West Virginia, and as such the same is exempt from the tax imposed upon the transfer of real estate.

Witness the following signatures and seals:

POCAHONTAS DEVELOPMENT AUTHORITY

BY:   
FRANK PROUD, IT'S PRESIDENT  
10/24/07

STATE OF WEST VIRGINIA  
COUNTY OF POCAHONTAS, to-wit:

I, Ellen Galfora, a Notary Public in and for the State

and County aforesaid do hereby certify that on this date personally appears before me FRANK PROUD, as President of the Pocahontas Development Authority and acknowledged his signature to the foregoing DEED bearing date the 24<sup>th</sup> day of Oct., 2007.

Given unto my hand this the 24<sup>th</sup> day of Oct, 2007.  
My commission expires July 21, 2012.



*Ellen Galford*  
NOTARY PUBLIC

This Deed Was Prepared Without The Benefit Of A Title Examination In The Office Of:

Walter W. Weiford, Prosecuting Attorney  
Pocahontas County, WV  
900 Tenth Avenue  
Marlinton, WV 24954

CAMERA FTEL  
POCAHONTAS County 10:08:58 AM  
Instrument No 52565  
Date Recorded 10/25/2007  
Document Type DEED  
Book-Page 311-298  
Rec/Preserve \$0.00 \$0.00

WEST VIRGINIA, CLERK'S OFFICE OF THE COUNTY  
COMMISSION OF POCAHONTAS COUNTY

October 25 2007  
This instrument was this day presented to me in my office and thereupon the same together with the certificate of acknowledgement thereunder written, is admitted to record therein.

Teste Sandra Truel Clerk

By: Lisa N. Walkman Deputy

MAILED DELIVERED TO File 1400  
Court house Martinsburg  
24954 DATE 5-19-99

This Deed, made and entered into this the 11 day of May 1999, by and between: THE POCAHONTAS COUNTY DEVELOPMENT AUTHORITY, party of the first part, hereinafter referred to as the GRANTOR;

AND

THE POCAHONTAS COUNTY COMMISSION, party of the second part, hereinafter referred to as the GRANTEE;

WITNESSETH:

That for and in consideration of the sum of ONE DOLLAR (\$1.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency all of which is hereby acknowledged, the said GRANTOR does hereby GRANT, SELL, and CONVEY unto the GRANTEE, with covenants of general warranty, a tract of land in the Green Bank District of Pocahontas County, West Virginia, on State Route 92 and 28, near the settlement of Green Bank, and being on the waters of Deer Creek and being more particularly described as follows:

LOT A

BEGINNING at a 1/2 inch iron pipe set on the North right of way of State Route 28 and 92, and being a corner to Lot B containing 1.00 acres, thence leaving Lot B and with said right of way for the next line S 87-31-16 W 1142.74 feet to a 6 inch concrete marker found on said Right of Way and a corner to the Church of God, thence leaving said Right of Way and with the Church of God for 1 line; N 2-51-43 W 17.70 feet to a 6 inch concrete marker found in an old fence line, a corner to the Church of God and the Pocahontas County Board of Education, then leaving the Church of God and cutting through the land of the Board of Education for the next 3 lines; N 2-05-45 W 1226.01 feet to a 1/2 inch iron pipe set in a wet area in the field a short distance from the foot of the hill, thence S 84-15-00 E 1223.63 feet to a 1/2 inch iron pipe set in the field, from which a 5 inch White Pine bears S 5 E 5.75 feet, thence S 6-34-47 E 780.00 feet to a 1/2 inch iron pipe set on the West side of a 40 foot right of way reserved by the Board of Education and a corner to Lot B containing 1.00 acre, thence leaving the 40 foot right of way and with Lot B for the next 2 lines; S 83-25-14 W 153.00 feet to a 1/2 inch iron pipe set in the field, thence S 6-39-48 E 280.35 feet to the point of beginning containing 32.20 acres, more or less.

LOT B

Beginning at a 1/2 inch iron pipe set on the North Right of Way of State Route 28 and 92, and on the West side of a 40 foot right of way that is reserved by the Board of Education, from which a 6 inch concrete marker a corner to the West



Virginia Department of Highways bears N 85-45-45 E 40.03 feet, thence leaving the 40' Right of Way and with the North Right of Way of State Route 92 and 28 for the next 2 lines; S 85-45-45 W 41.91 feet to a 6 inch concrete marker found on said right of way, thence S 87-31-15 W 111.00 feet to a 1/2 inch iron pipe set on said right of way and a corner to Lot A, thence leaving said Right of Way and with Lot A for the next 2 lines; N 6-39-48 W 280.35 feet to a 1/2 inch iron pipe set in the field, thence N 83-25-14 W 153.00 feet to a 1/2 inch iron pipe on the West side of the 40 foot right of way reserved by the Board of Education, thence leaving Lot A and with the west side of the 40 foot right of way for 1 line; S 6-34-47 E 290.00 feet to the point of beginning containing 1.00 acres, more or less, as surveyed by William E. Dilley, L.L.S. of Dunmore, West Virginia, in March, 1990, and as shown on a plat of record in the Office of the Clerk of the County Commission of Pocahontas County.

And being the same tracts of land or parcels of real estate that was conveyed to the Pocahontas County Development Authority by virtue of a Deed of Conveyance from the Pocahontas County Commission, said Deed bearing date the 16th day of December, 1997, and of record in the Office of the Clerk of the County Commission of Pocahontas County in Deed Book 251, at page 489.

#### DECLARATION OF CONSIDERATION

The undersigned GRANTORS do hereby declare this to be a conveyance from a political subdivision to another and as such the same is exempt from the tax imposed upon the transfer of real estate in West Virginia.

WITNESS the following signatures and seals:

POCAHONTAS COUNTY DEVELOPMENT  
AUTHORITY

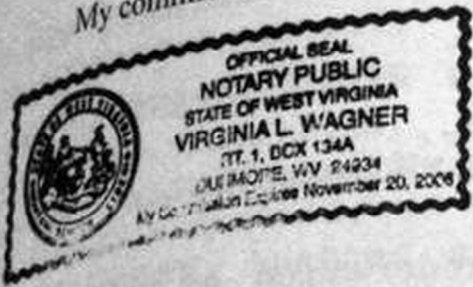
BY: Joseph R. Otto III  
ITS PRESIDENT

STATE OF WEST VIRGINIA  
COUNTY OF POCAHONTAS, to-wit:

I, VIRGINIA L. WAGNER, a Notary Public in and for the State and County  
aforesaid do hereby certify that on this date personally appeared before me  
JOSEPH R. OTTO, III as President of the Pocahontas County Development

Authority and acknowledged his/her signature to the foregoing DEED bearing date the  
11TH day of MAY, 1999, and further acknowledged said Deed to be  
the duly authorized act of the Pocahontas County Development Authority as authorized by it's  
members.

Given unto my hand this the 11TH day of MAY, 1999.  
My commission expires NOVEMBER 20, 2006.



*Virginia L. Wagner*  
NOTARY PUBLIC

This Document Was Prepared In The Office Of:  
Walter W. Weiford  
Attorney At Law  
900 Tenth Avenue  
Marlinton, WV 24954

FILED

'99 MAY 18 PM 2 57

POCAHONTAS CO. CLERK  
MARLINTON, WEST VA.

WEST VIRGINIA, CLERK'S OFFICE  
OF THE COUNTY COMMISSION  
OF POCAHONTAS COUNTY

May 18 1999  
this instrument was this day presented to me in my  
office and thereupon the same together with the  
certificate of acknowledgement thereunder  
written, is admitted to record therein.

Teste *Peterson* Clerk

LOT B

Beginning at a 1/2 inch iron pipe set on the North Right of Way of State Route 28 and 92, and on the West side of a 40 foot right of way that is reserved by the Board of Education, from which a 6 inch concrete marker a corner to the West

Virginia Department of Highways bears N 85-45-45 E 40.03 feet, thence leaving the 40' Right of Way and with the North Right of Way of State Route 92 and 21 for the next 2 lines; S 85-45-45 W 41.91 feet to a 6 inch concrete marker set on said right of way, thence S 87-31-15 W 111.00 feet to a 1/2 inch iron pipe set on said right of way and a corner to Lot A, thence leaving said Right of Way with Lot A for the next 2 lines; N 6-39-48 W 280.35 feet to a 1/2 inch iron pipe set in the field, thence N 83-25-14 W 153.00 feet to a 1/2 inch iron pipe on the West side of the 40 foot right of way reserved by the Board of Education thence leaving Lot A and with the west side of the 40 foot right of way for 1 line S 6-34-47 E 290.00 feet to the point of beginning containing 1.00 acres, more or less, as surveyed by William E. Dilley, L.L.S. of Danmore, West Virginia, March, 1990, and as shown on a plat of record in the Office of the Clerk of the County Commission of Pocahontas County.

And being the same tracts of land or parcels of real estate that was amended in Pocahontas County Development Authority by virtue of a Deed of Conveyance bearing date the 16th day of December, 1952, and as shown on a plat of record in the Office of the Clerk of the County Commission of Pocahontas County, Book 251, at page 469.

MAILED DELIVERED TO P.D.A.  
PO BOX 256 MARSHALL WV  
24551 DATE 2-5-78

This Deed, made and entered into this the 16th day of December 1997, by and between: THE POCAHONTAS COUNTY COMMISSION, party of the first part, hereinafter referred to as the GRANTOR;

AND

THE POCAHONTAS COUNTY DEVELOPMENT AUTHORITY, party of the second part, hereinafter referred to as the GRANTEE;

WITNESSETH:

That for and in consideration of the sum of ONE DOLLAR (\$1.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency all of which is hereby acknowledged, the said GRANTOR does hereby GRANT, SELL, and CONVEY unto the GRANTEE, with covenants of general warranty, a tract of land in the Green Bank District of Pocahontas County, West Virginia, on State Route 92 and 28, near the settlement of Green Bank, and being on the waters of Deer Creek and being more particularly described as follows:

LOT A

BEGINNING at a 1/2 inch iron pipe set on the North right of way of State Route 28 and 92, and being a corner to Lot B containing 1.00 acres, thence leaving Lot B and with said right of way for the next line S 87-31-16 W 1142.74 feet to a 6 inch concrete marker found on said Right of Way and a corner to the Church of God, thence leaving said Right of Way and with the Church of God for 1 line; N 2-51-43 W 17.70 feet to a 6 inch concrete marker found in an old fence line, a corner to the Church of God and the Pocahontas County Board of Education, then leaving the Church of God and cutting through the land of the Board of Education for the next 3 lines; N 2-05-45 W 1226.01 feet to a 1/2 inch iron pipe set in a wet area in the field a short distance from the foot of the hill, thence S 84-15-00 E 1223.63 feet to a 1/2 inch iron pipe set in the field, from which a 5 inch White Pine bears S 5 E 5.75 feet, thence S 6-34-47 E 780.00 feet to a 1/2 inch iron pipe set on the West side of a 40 foot right of way reserved by the Board of Education and a corner to Lot B containing 1.00 acre, thence leaving the 40 foot right of way and with Lot B for the next 2 lines; S 83-25-14 W 153.00 feet to a 1/2 inch iron pipe set in the field, thence S 6-39-48 E 280.35 feet to the point of beginning containing 32.20 acres, more or less.

LOT B

Beginning at a 1/2 inch iron pipe set on the North Right of Way of State Route 28 and 92, and on the West side of a 40 foot right of way that is reserved by the Board of Education, from which a 6 inch concrete marker a corner to the West Virginia Department of Highways bears N 85-45-45 E 40.03 feet, thence leaving the 40' Right of Way and with the North Right of Way of State Route 92 and 28 for the next 2 lines; S 85-45-45 W 41.91 feet to a 6 inch concrete marker found on said right of way, thence S 87-31-15 W 111.00 feet to a 1/2 inch iron pipe set on said right of way and a corner to Lot A, thence leaving said Right of Way and

with Lot A for the next 2 lines; N 6-39-48 W 280.35 feet to a 1/2 inch iron pipe set in the field, thence N 83-25-14 W 153.00 feet to a 1/2 inch iron pipe set on the West side of the 40 foot right of way reserved by the Board of Education, thence leaving Lot A and with the west side of the 40 foot right of way for 1 line; S 6-34-47 E 290.00 feet to the point of beginning containing 1.00 acres, more or less, as surveyed by William E. Dilley, L.L.S. of Dunmore, West Virginia, in March, 1990, and as shown on a plat that is to be admitted contemporaneously with this Deed to record in the Office of the Clerk of the County Commission of Pocahontas County.

And being a part of the same tract of land or parcel of real estate that was conveyed to the Pocahontas County Commission by virtue of a Deed of Conveyance from the Pocahontas County Board of Education, said Deed bearing date the 25th day of June, 1990, and is of record in the Office of the Clerk of the County Commission of Pocahontas County in Deed Book 209, at page 347.

It is understood and agreed by and between the parties and covenanted by them that the real estate herein conveyed shall be done for the purposes of economic and industrial development, and no other. If in the event the real estate herein conveyed ceases to be used or considered for economic or industrial development, and particularly in the event that the GRANTEES herein should attempt any assignment or alienation which would vest the real estate herein conveyed in private non-commercial hands, then, in such event, the real estate herein conveyed shall revert, immediately, to the GRANTOR and the covenants herein made shall bind the GRANTEES to reconvey the same, by their apt and proper Deed to the GRANTOR, it's successors and assigns.

#### DECLARATION OF CONSIDERATION

The undersigned GRANTORS do hereby declare this to be a conveyance from on political subdivision to another and as such the same is exempt from the tax imposed upon the transfer of real estate in West Virginia.

WITNESS the following signatures and seals:

POCAHONTAS COUNTY COMMISSION

BY: Dana L. Meyer  
IT'S PRESIDENT

POCAHONTAS COUNTY DEVELOPMENT  
AUTHORITY

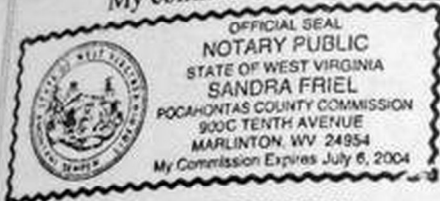
BY: Joseph R. O'Neil  
IT'S PRESIDENT

STATE OF WEST VIRGINIA  
COUNTY OF POCAHONTAS, to-wit:

I, Sandra Friel, a Notary Public in and for the State and County  
aforesaid do hereby certify that on this date personally appeared before me  
Dana L. Moyers as President of the Pocahontas County Commission  
and acknowledged his signature to the foregoing DEED bearing date the 16th day of  
December, 1997, and further acknowledged said Deed to be the duly authorized act of  
the Pocahontas County Commission as authorized by it's members.

Given unto my hand this the 16th day of December, 1997.

My commission expires July 6, 2004.



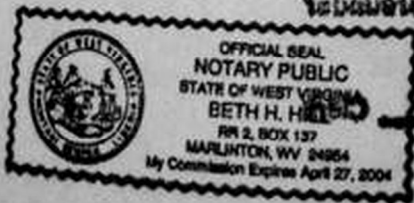
Sandra Friel  
NOTARY PUBLIC

STATE OF WEST VIRGINIA  
COUNTY OF POCAHONTAS, to-wit:

I, Beth H. Hill, a Notary Public in and for the State and County  
aforesaid do hereby certify that on this date personally appeared before me  
Joseph R. O'Ho, III as President of the Pocahontas County Development  
Authority and acknowledged his signature to the foregoing DEED bearing date the 16th day of  
December, 1997, and further acknowledged said Deed to be the duly authorized act of  
the Pocahontas County Development Authority as authorized by it's members.

Given unto my hand this the 28th day of January, 1998.

My commission expires April 27, 2004



Beth H. Hill  
NOTARY PUBLIC

This Document Was Prepared In The Office Of:  
**Walter W. Weiford**  
Attorney At Law  
900 Tenth Avenue  
Marlinton, WV 24954

THIS DEED, made and entered into this the 25th day of  
June, 1990, by and between: THE POCAHONTAS COUNTY  
BOARD OF EDUCATION, party of the first part, hereinafter referred  
to as the GRANTOR;

A N D

THE POCAHONTAS COUNTY COMMISSION, party of the second part,  
hereinafter referred to as the GRANTEE;

W I T N E S S E T H:

That for and in consideration of the sum of ONE DOLLAR  
(\$1.00), cash in hand paid, and other good and valuable  
consideration, the receipt and sufficiency all of which is hereby  
acknowledged, the said GRANTOR does hereby GRANT, SELL, and  
CONVEY unto the GRANTEE, with covenants of general warranty, a  
tract of land in the Green Bank District of Pocahontas County,  
West Virginia, on State Route 92 and 28, near the settlement of  
Green Bank, and being on the waters of Deer Creek and being more  
particularly described as follows:

LOT A

BEGINNING at a 1/2 inch iron pipe set on the North  
right of way of State Route 28 and 92, and being a  
corner to Lot B containing 1.00 acres, thence leaving  
Lot B and with said right of way for the next line S  
87-31-16 W 1142.74 feet to a 6 inch concrete marker  
found on said Right of Way and a corner to the Church  
of God, thence leaving said Right of Way and with the  
Church of God for 1 line; N 2-51-43 W 17.70 feet to a  
6 inch concrete marker found in an old fence line, a  
corner to the Church of God and the Pocahontas County  
Board of Education, then leaving the Church of God and  
cutting through the land of the Board of Education for  
the next 3 lines; N 2-05-45 W 1226.01 feet to a 1/2  
inch iron pipe set in a wet area in the field a short  
distance from the foot of the hill, thence S 84-15-00  
E 1223.63 feet to a 1/2 inch iron pipe set in the  
field, from which a 5 inch White Pine bears S 5 E 5.75  
feet, thence S 6-34-47 E 780.00 feet to a 1/2 inch  
iron pipe set on the West side of a 40 foot right of  
way reserved by the Board of Education and a corner to  
Lot B containing 1.00 acre, thence leaving the 40 foot  
right of way and with Lot B for the next 2 lines; S 83-



25-14 W 153.00 feet to a 1/2 inch iron pipe set in the field, thence S 6-39-48 E 280.35 feet to the point of beginning containing 32.20 acres, more or less.

LOT B

Beginning at a 1/2 inch iron pipe set on the North Right of Way of State Route 28 and 92, and on the West side of a 40 foot right of way that is reserved by the Board of Education, from which a 6 inch concrete marker a corner to the West Virginia Department of Highways bears N 85-45-45 E 40.03 feet, thence leaving the 40' Right of Way and with the North Right of Way of State Route 92 and 28 for the next 2 lines; S 85-45-45 W 41.91 feet to a 6 inch concrete marker found on said right of way, thence S 87-31-15 W 111.00 feet to a 1/2 inch iron pipe set on said right of way and a corner to Lot A, thence leaving said Right of Way and with Lot A for the next 2 lines; N 6-39-48 W 280.35 feet to a 1/2 inch iron pipe set in the field, thence N 83-25-14 W 153.00 feet to a 1/2 inch iron pipe set on the West side of the 40 foot right of way reserved by the Board of Education, thence leaving Lot A and with the west side of the 40 foot right of way for 1 line; S 6-34-47 E 290.00 feet to the point of beginning containing 1.00 acres, more or less, as surveyed by William E. Dilley, L.L.S. of Dunmore, West Virginia, in March, 1990, and as shown on a plat that is to be admitted contemporaneously with this Deed to record in the Office of the Clerk of the County Commission of Pocahontas County.

And being a part of the same tract of land or parcel of real estate that was conveyed to the Pocahontas County Board of Education by Ollie B. Slavin and Lola & Oscar Lambert by Deed dated August 4, 1969, and is of record in the Office of the Clerk of the County Commission of Pocahontas County in Deed Book 129, at page 402.

It is understood and agreed by and between the parties and covenanted by them that the real estate herein conveyed shall be done for the purposes of economic and industrial development, and no other. If in the event the real estate herein conveyed ceases to be used or considered for economic or industrial development, and particularly in the event that the GRANTEES herein should attempt any assignment or alienation which would vest the real estate herein conveyed in private non-commercial hands, then, in such event, the real estate herein conveyed shall revert.

immediately, to the GRANTOR and the covenants herein made shall bind the GRANTEES to reconvey the same, by their apt and proper Deed to the GRANTOR, it's successors and assigns.

DECLARATION OF CONSIDERATION

The undersigned GRANTORS do hereby declare the total monetary consideration received by them for this conveyance is the sum of ONE DOLLAR (\$1.00).

WITNESS the following signatures and seals:

POCAHONTAS COUNTY BOARD OF EDUCATION

BY: Leonard E. Howell  
IT'S PRESIDENT

POCAHONTAS COUNTY COMMISSION

BY: Albert Wilfong  
IT'S PRESIDENT

STATE OF WEST VIRGINIA  
COUNTY OF POCAHONTAS, to-wit:

I, Alise Irvine, a Notary Public in and for the State and County aforesaid do hereby certify that on this date                      personally appeared                      before me                      as President of the Pocahontas County Board of Education and acknowledged his signature to the foregoing DEED bearing date the 25th day of June, 1990, and further acknowledged said Deed to be the duly authorized act of the Pocahontas County Board of Education as authorized by it's members.

THIS DEED made and entered into this the 14th day of August, 1965  
 by and between OLLIE B. SLAVIN, WIDOW, LOLA B. LAMBERT and OSCAR LAMBERT, Her  
 husband, hereinafter referred to as Grantors;

A N D

THE BOARD OF EDUCATION OF THE COUNTY OF POCAHONTAS, a West Virginia  
 Corporation, hereinafter referred to as Grantee;

WITNESSETH: That for and in consideration of the sum of Seventeen  
 Thousand Five Hundred (\$17,500) Dollars, cash in hand paid by the said Grantee  
 to the said Grantors, the receipt of which is hereby acknowledged, the Grantors  
 do hereby SELL, GRANT, AND CONVEY, with covenants of general warranty, free of  
 all encumbrances, unto the said Grantee, All of that certain tract or parcel of  
 land, containing One Hundred Forty-One (141) Acres, more or less, situate on  
 West Virginia State Route 28 and being southwest of the State Garage in Green  
 Bank and north of the North Fork of Deer Creek and west of the said State Route  
 28 in Pocahontas County, West Virginia, and being the remainder of a Two  
 Hundred Eleven (211) Acres consisting of three tracts of Seventy-three (73),  
 Forty-three (43), and Ninety-five (95) Acres after deduction of several off  
 conveyances, all of which are of record in the Office of the County Clerk of  
 Pocahontas County, West Virginia, as follows: Seven (7) Acres to Lyle  
 Shifflett dated the 15th day of May, 1937, of record in Deed Book 74 at page 240;  
 Eleven-Sixteenths (11/16) of an acre to Mrs. Iva C. McCutcheon dated the 25th day  
 of May, 1944, of record in Deed Book 79 at page 405; Forty (40) Acres to  
 W. R. Ervine dated the 22nd day of March, 1946, of record in Deed Book 81 at  
 page 212; and Twenty (20) Acres to Ray E. H. Ziegler and Thelma Ziegler dated  
 the 12th day of July, 1967, of record in Deed Book 116 at page 395.

The original Two Hundred Eleven (211) Acres was obtained by Oscar P.  
 Slavin, Lola B. Slavin (now Lola B. Lambert, a Grantor herein), and Sallie  
 Slavin for life. (Sallie Slavin died on February 27, 1961), by deed dated  
 the 1st day of October, 1903, and of record in Deed Book 35 at page 102.  
 Oscar P. Slavin died testate and by Will, of record in Will Book 13 at page  
 100 dated January 16, 1933, and probated November 14, 1938, willed his

THIS DEED made and entered into this the 14th day of August, 1962,  
between OLLIE B. SLAVIN, Widow, LOLA B. LAMBERT and OSCAR LAMBERT, Her

and hereinafter referred to as Grantors;

A N D

THE BOARD OF EDUCATION OF THE COUNTY OF POCAHONTAS, a West Virginia  
Corporation, hereinafter referred to as Grantee;

WITNESSETH: That for and in consideration of the sum of Seventeen  
Thousand Five Hundred (\$17,500) Dollars, cash in hand paid by the said Grantee  
to the said Grantors, the receipt of which is hereby acknowledged, the Grantors  
do hereby SELL, GRANT, AND CONVEY, with covenants of general warranty, free of  
all encumbrances, unto the said Grantee, All of that certain tract or parcel of  
land, containing One Hundred Forty-One (141) Acres, more or less, situate on  
West Virginia State Route 28 and being southwest of the State Garage in Green  
Creek and north of the North Fork of Door Creek and west of the said State Route

and Ninety-Five (95) Acres after deduction of several of  
forty-three (43), and Ninety-Five (95) Acres after deduction of several of  
conveyances, all of which are of record in the Office of the County Clerk of  
Fayette County, West Virginia, as follows: Seven (7) Acres to Lyle  
Shifflett dated the 15th day of May, 1937, of record in Deed Book 74 at page 240;  
Eleven-Sixteenths (11/16) of an acre to Mrs. Iva C. McCutcheon dated the 25th day  
of May, 1944, of record in Deed Book 79 at page 405; Forty (40) Acres to

Ray N. Ervine dated the 22nd day of March, 1946, of record in Deed Book 81 at  
page 212; and Twenty (20) Acres to Ray E. H. Ziegler and Thelma Ziegler dated  
the 12th day of July, 1967, of record in Deed Book 116 at page 395.

The original Two Hundred Eleven (211) Acres was obtained by Oscar P.

Slavin, Lola B. Slavin (now Lola B. Lambert, a Grantor herein), and Sallie  
Slavin for life, (Sallie Slavin died on February 27, 1961), by deed dated  
the 7th day of October, 1903, and of record in Deed Book 35 at page 102.

Oscar P. Slavin died testate and by Will, of record in Will Book 15 at page  
473 (dated January 16, 1953, and probated November 14, 1958), willed his

one-half undivided interest in the said land to Ollie B. Slavin, one of the Grantors herein.

To which deeds the title papers therein referred to, reference is here made for a more particular description of the land herein conveyed. This land is carried on the 1968 Land Book of Pocahontas County, West Virginia, in the name of the Grantors as "26, 22.9, and 91 acres on Deer Creek".

The aforesaid Grantors covenant that they have the right to convey the said land to the aforesaid Grantee; that the said Grantee shall have quiet possession of said land, free from all encumbrances; that they have done so and to encumber the said land; and that they will execute such further assurances of title as may be requisite.

Under the penalty of fine and imprisonment as provided by law, the undersigned Grantors do hereby declare that the total consideration for this conveyance is Seventeen Thousand Five Hundred (\$17,500) Dollars. This Deed will not be valid until all of the \$17,500 is paid.

WITNESS the following signatures:

Ollie B. Slavin  
OLLIE B. SLAVIN

Lola B. Lambert  
LOLA B. LAMBERT

Oscar Lambert  
OSCAR LAMBERT

THIS DEED made and entered into this 26 day of June 19 73 by and between the  
Town of Marlinton, a Municipal Corporation, party of the first part, and Myrtle and Melvin Atkins,  
and Mrs. Madeline McComb party of the second part.

WITNESSETH: That for and in the consideration of the sum of One Hundred (\$100.00)  
the said party of the first part doth grant and convey unto the said party of the second part, that certain lot or  
part of real estate situate in Mountain View Cemetery, in the Town of Marlinton, West Virginia, designated  
as 1/4 lot - 3 graves  
in Section No. 10, as shown by the proper plat of the said Mountain View Cemetery,  
and recorded in the office of the Clerk of the County Court of Pocahontas County, West Virginia, in Deed  
Book Number 53 at page 265, to which reference is here made.

It is understood and agreed that this conveyance is made upon the following conditions, Namely:

- (a) That said lot or parcel is to be used only as a place for interring the dead, and subject to the care  
and control of the duly appointed care-taker or custodian of the said cemetery.
- (b) That said lot or parcel is to be used, held, maintained and transferred subject to all the rules and  
regulations that now exist or hereafter may be made relating to the holding of lots or parts of lots in said  
cemetery.
- (c) That said lot shall be held by the grantee named herein subject to all the provisions of the deed  
conveying the said cemetery property to the said Town of Marlinton, now of record in the aforesaid County  
Clerk's office.
- (d) That the grantee or purchaser agrees in the event that he is not the owner of any other real  
estate in the Corporation limits, to pay for the upkeep of said lots in the said cemetery as follows: \$5.00  
per year for a full lot; \$3.00 per year for a half lot; and \$2.00 per year for a fourth of a lot, as provided  
in the Minute Book Number 2 at page 476, of the Town of Marlinton, to which reference is here had.

In TESTIMONY WHEREOF the said Town of Marlinton, has caused this deed to be executed for it and  
in its name by its Mayor, and its corporate seal to be hereunto affixed, the day and year first above written.

one-half undivided interest in the said land to Ollie B. Slavin, one of the Grantors herein.

To which deeds the title papers therein referred to, reference is here made for a more particular description of the land herein conveyed. This land is carried on the 1968 Land Book of Pocahontas County, West Virginia, in the name of the Grantors as "26, 22.9, and 91 acres on Deer Creek".

The aforesaid Grantors covenant that they have the right to convey the said land to the aforesaid Grantee; that the said Grantee shall have quiet possession of said land, free from all encumbrances; that they have done to encumber the said land; and that they will execute such further assurance title as may be requisite.

Under the penalty of fine and imprisonment as provided by law, the undersigned Grantors do hereby declare that the total consideration for this conveyance is Seventeen Thousand Five Hundred (\$17,500) Dollars. This Deed will not be valid until all of the \$17,500 is paid.

WITNESS the following signatures:

*[Handwritten signatures]*



CLERK'S OFFICE OF THE COUNTY COURT OF POCAHONTAS COUNTY  
Office open 9:00 a.m. to 5:00 p.m.  
was this day presented to me in  
Office and thereupon the same together with the certificate of acknowledgment  
thereunder written, is admitted to record therein  
8-2-74  
Teste

Lola B. Lambert  
LOLA B. LAMBERT  
Oscar Lambert  
OSCAR LAMBERT

STATE OF WEST VIRGINIA,

COUNTY OF RANDOLPH, to-wit:

1. Robert N. Jacobson, a Notary Public in and for the  
County and State aforesaid, do hereby certify that OLLIE B. SLAVIN, <sup>Wife,</sup>  
LOLA B. LAMBERT and OSCAR LAMBERT, Her Husband, whose names are signed to the  
foregoing writing bearing date the 4th day of August, 1974,  
day acknowledged the same before me in my said County.

Given under my hand, this the 4th day of August,  
Robert N. Jacobson  
Notary Public in and for the  
County and State aforesaid.

My commission expires January 23, 1974.

This Deed was prepared by Robert S. Jacobson, Attorney at Law,  
West Virginia.

BERT STANLEY JACOBSON  
ATTORNEY AT LAW  
CHANCERY BUILDING  
CLINTON, WEST VIRGINIA

of record in Deed Book 79 at page 405; Forty (40) Acres to  
1944, of record the 22nd day of March, 1946, of record in Deed Book 81 at  
N. Ervine dated the 20 Acres to Ray E. H. Ziegler and Thelma Ziegler dated  
page 212; and Twenty (20) Acres to Ray E. H. Ziegler and Thelma Ziegler dated  
the 12th day of July, 1967, of record in Deed Book 116 at page 395.

The original Two Hundred Eleven (211) Acres was obtained by Oscar P.  
Slavin, Lola B. Slavin (now Lola B. Lambert, a Grantor herein), and Sallie  
Slavin for life, (Sallie Slavin died on February 27, 1961), by deed dated  
the 7th day of October, 1903, and of record in Deed Book 35 at page 102.

Oscar P. Slavin died testate and by Will, of record in Will Book 15 at page  
103 (dated January 16, 1953, and probated November 14, 1958), willed his

one-half undivided interest in the said land to Ollie B. Slavin, one of the Grantors herein.

To which deeds the title papers therein referred to, reference is here made for a more particular description of the land herein conveyed. This is carried on the 1968 Land Book of Pocahontas County, West Virginia, in the name of the Grantors as "26, 22.9, and 91 acres on Deer Creek".

The aforesaid Grantors covenant that they have the right to convey the said land to the aforesaid Grantee; that the said Grantee shall have quiet possession of said land, free from all encumbrances; that they have done to encumber the said land; and that they will execute such further assurance title as may be requisite.

to encumber the said land,  
title as may be requisite.

Under the penalty of fine and imprisonment as provided by law, the undersigned Grantors do hereby declare that the total consideration for this conveyance is Seventeen Thousand Five Hundred (\$17,500) Dollars. This Deed will not be valid until all of the \$17,500 is paid.

WITNESS the following signatures:

Ollie B. Slavin  
OLLIE B. SLAVIN

Lola B. Lambert  
LOLA B. LAMBERT

Oscar Lambert  
OSCAR LAMBERT

STATE OF WEST VIRGINIA,

COUNTY OF

was this day presented to me in my  
the certificate of acknowledgment  
Oscar Lambert

one-half undivided interest in the said land to Ollie B. Slavin, one of the Grantors herein.

To which deeds the title papers therein referred to, reference is here made for a more particular description of the land herein conveyed. This land is carried on the 1968 Land Book of Pocahontas County, West Virginia, in the name of the Grantors as "26, 22.9, and 91 acres on Deer Creek".

The aforesaid Grantors covenant that they have the right to convey the said land to the aforesaid Grantee; that the said Grantee shall have quiet possession of said land, free from all encumbrances; that they have done no act to encumber the said land; and that they will execute such further assurances title as may be requisite.

PLEASE HANG THIS ON YOUR COMPANY BULLETIN BOARD

# ATTENTION: ABSTRACTORS & COURTHOUSE RESEARCHERS NEEDED NOW

Due to our company's rapid, nationwide expansion, we are looking for Independent Abstractors, Courthouse Researchers and Document Retrievers in YOUR area to IMMEDIATELY begin working with our company. Ideal candidates will be able to provide the following:

- 1) Consistent and quick turnaround times,
- 2) Competitive pricing for all research and document retrieval,
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- 4) Direct access to YOU or a staff member during business hours AND
- 5) Compliance with our "standards of service"

If you think this is an opportunity that you would like to know more about, please contact us directly and request that we send you this questionnaire, using the information below. We look forward to hearing from YOU!!!

**CALL OUR RECRUITMENT DEPARTMENT AT (800) 920-9270 EXT. 7137**

**OR**

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NEWVENDOR@AMERISTARUSA.COM**

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# RESEARCHERS NEEDED NOW

Due to our company's rapid, nationwide expansion, we are looking for Independent Abstractors, Courthouse Researchers and Document Retrievers in YOUR area to IMMEDIATELY begin working with our company. Ideal candidates will be able to provide the following:

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PLEASE HANG THIS ON YOUR COUNTY BULLETIN BOARDS

# ATTENTION: ABSTRACTORS & COURTHOUSE RESEARCHERS NEEDED NOW

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